

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

DALE MAISANO, )  
Plaintiff, )  
v. ) Case No. 3:13-mc-0227  
NURSE PRACTITIONER JOHN ) Chief Judge Haynes  
MODRZEJEWSKI et al., )  
Defendants. )

## ORDER

*Pro se* Plaintiff, Dale Maisano, has filed a photocopied one-page complaint in which he alleges only that he is “cold on a constant [sic]. I’ve filed grievances and medical requests with no correction to this issue. This is a basic human need.” (ECF No. 1.) He seeks injunctive relief and damages in the amount of “Ten Trillion Dollars U.S.” (*Id.*)

Plaintiff is barred by 28 U.S.C. § 1915(g) from proceeding *in forma pauperis*. He did not submit the \$400.00 filing fee with his complaint, and he does not plausibly allege that he is in imminent danger of serious physical injury. Moreover, the complaint is not in compliance with the Order and Restraining Order entered by Senior United States District Judge Stephen M. McNamee on August 11, 1992 in an (unsuccessful) attempt to curtail Plaintiff's voluminous frivolous filings. Among other things, Judge McNamee's order enjoins Maisano from filing any civil action in the United States District Court for the District of Arizona, or any other federal court, without first obtaining leave of the Court. *See Maisano v. Lewis*, CIV 92-1026-PHX-SMM (MS) (D. Ariz. Aug. 11, 1992) (Order and Restraining Order).

Pursuant to the Restraining Order, any “[f]ailure to comply strictly with [its] terms . . . will be sufficient ground to deny leave to file.” *Id.* Because Plaintiff made no attempt with his current filing to comply with the Restraining Order, the present complaint is hereby

**DISMISSED WITHOUT PREJUDICE.**

An appeal of this order would not be in good faith, and the Court will not grant leave to appeal *in forma pauperis*.

The Clerk is **DIRECTED** to enter assign a civil action number to this case, to enter judgment and to close the case, in accordance with Rule 58, Fed. R. Civ. P.

It is so **ORDERED**.

ENTERED this the 9<sup>th</sup> day of January, 2014.

  
WILLIAM J. HAYNES, JR.  
Chief Judge  
United States District Court